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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

14  
15 FEDERAL TRADE COMMISSION,

16 Plaintiff,

17 v.

18 SWISH MARKETING, INC., a corporation,

19 MARK BENNING, individually and as an  
officer of SWISH MARKETING, INC.,

20 MATTHEW PATTERSON, individually and  
21 as an officer of SWISH MARKETING, INC.,  
22 and

23 JASON STROBER, individually and as an  
officer of SWISH MARKETING, INC.,

24 Defendants.  
25

Case No. C09-03814 -RS

**STIPULATION AND  
[PROPOSED] ORDER TO  
EXTEND DISCOVERY  
SCHEDULE**

26 On July 12, 2010, this Court entered a Scheduling Order in this case setting November  
27 24, 2010, as the last date for all non-expert discovery. Since the initial scheduling conference,  
28 the parties have engaged in extensive discovery efforts. However, to accommodate the

**STIPULATION TO EXTEND DISCOVERY SCHEDULE - C09 3814 RS**

availability of counsel, to facilitate the remaining discovery, and to provide the parties sufficient time to engage in settlement talks, the parties request that the Court extend the discovery schedule in accordance with the table below. The proposed discovery schedule takes into account the difficulty of scheduling depositions during the winter holidays. This motion is the first request for an extension of time relating to the discovery schedule.

Matter	Original Date	Proposed Date
Non-Expert Discovery Cut-Off	11/24/10	1/28/10
FTC's Designation of Expert Testimony and Reports	12/3/10	2/7/10
Defendants' Designation of Expert Testimony and Reports	12/31/10	3/7/10
Expert Discovery Cut-Off	2/28/10	5/4/10

**IT IS SO STIPULATED.**

DATED: 10/8/2010

Respectfully submitted,

/s/ Lisa D. Rosenthal  
 LISA D. ROSENTHAL  
 KERRY O'BRIEN  
 EVAN ROSE  
 ERIC D. EDMONDSON

Attorneys for Plaintiff  
 FEDERAL TRADE COMMISSION

(The filer attests that concurrence in the filing of this document has been obtained from each of the other signatories.)

DATED: 10/8/2010

/s/ Brian Grossman  
 BRIAN GROSSMAN  
 TESSER & RUTTENBERG

Attorneys for Defendants  
 SWISH MARKETING, INC.,  
 MATTHEW PATTERSON, and  
 JASON STROBER

1 DATED: 10/8/2010

/s/ Jay Fowler  
DANIEL J. BERGESON  
JAY FOWLER  
ELIZABETH D. LEAR  
BERGESON, LLP

Attorneys for Defendant  
MARK BENNING

7 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

10 DATED: 10/12/10

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE